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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,987	10/21/2003	James Madeley	C525 0280	4548
720	7590	12/16/2004	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			NGUYEN, THINH H	
			ART UNIT	PAPER NUMBER
			2861	
DATE MAILED: 12/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,987

Applicant(s)

MADELEY, JAMES

Examiner

Thinh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-12, 14-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/21/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Preliminary Amendment Received*

1. Acknowledgement is made of the receipt of the Preliminary Amendments filed on March 11, 2004.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al. (U.S.6,655,797)

Smith (figs.5C; col.5, line 66 – col.6, line 7) discloses elements of the instant claimed printhead assembly, including

a process color printhead (as shown by printheads 512b-512e; fig.2 and 5C) for printing at least one process color, the process color printhead having, for each process color, a first plurality of inkjet nozzles;

a spot color printhead (characterized by fixer head 512a which can be a colorant fluid as discussed in reference to Gore; col.1, lines 48-59) for printing at least one spot

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color, the spot color printhead having, for each spot color, a second plurality of nozzles, the second plurality having fewer nozzles than the first plurality.

Re claim 2, wherein the process color printhead is adapted to print black and at least one other process color and the printhead comprises an additional plurality of black inkjet nozzles. (col.2, lines 54-67; see fig.2)

Re claims 3-4, wherein the second plurality has at least one third fewer nozzles than the first plurality, and wherein the first plurality has twice as many nozzles as the second plurality. (col.5, lines 66-67)

Re claim 5, wherein the first and second pluralities each comprise nozzles located on a plurality of individual printheads. (as shown by printheads 512a-512e; fig.5C)

The claimed method of claim 13 is deemed to be anticipated by the functionality of Smith's apparatus.

***Allowable Subject Matter***

4. Claims 6-12, 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Pertinent Prior art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,406,138 incorporated by Smith (col.2, line 7) discloses fixer fluid may be a colorant.

U.S. Patent 5,997,132 discuss white ink printhead and number of nozzles is matter of design.

***Patent Application Information Retrieval (PAIR)***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Contact Information**

6. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, and Thurs from 9:00A – 5:00P. The official fax phone number for the organization is (703) 872-9306. The examiner supervisor, Dave Talbott, can also be reached at (571) 272-1934.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.



Tinh Nguyen  
December 9, 2004

**Tinh Nguyen  
Primary Examiner  
Technology Center 2800**